DEPARTMENT OF TRANSPORTATION
RESEARCH AND INNOVATIVE TECHNOLOGY ADMINISTRATION
VOLPE NATIONAL TRANSPORTATION SYSTEMS CENTER (VOLPE CENTER)

JUSTIFICATION FOR OTHER THAN FULL AND OPEN COMPETITION

PART I - TECHNICAL SUPPORTING DATA

Recommend that negotiations be conducted with Progressive Software Solutions, Inc. (D.B.A. Promergent and Prosoft) on a noncompetitive basis for award of a contract in an amount estimated to be $2,250,000 for a base period of one year and four, one-year, options. The supporting data for this recommendation are as follows:

A. Description of Supplies/Services

The Volpe Center will be acquiring Eden™ Application Development and Deployment Framework remote Help Desk and Maintenance for the Federal Aviation Administration's (FAA's) Enterprise License from Promergent. This Help Desk and Maintenance support will maintain the FAA's customized Web Configuration Management (WebCM) software application, which is based on proprietary Eden Architecture technology. The Eden Architecture is the underlying software application for WebCM. Since 1996, WebCM has been the solution of choice for the FAA in supporting its Configuration Management (CM) requirements as follows.

This remote Help Desk and Software Maintenance agreement provides to the Volpe Center and its FAA customer the following activities and services:
- WebCM Software modifications based on FAA requirements and policy changes based on user requirements
- Eden, Workflow Engine, Software Maintenance Release Updates and User Enhancements. The release updates are initiated by the vendor and can include patches. The User updates are FAA initiated and include enhancements
- Remote Help Desk – Level 2 User Support for WebCM application users
- Information Systems Support (ISS) requirements and support to the Volpe Center

B. Background

1. Last year, the FAA has expended its WebCM program with the Volpe Center which has brought in-house much of the tasking previously performed by the FAA. Because the Volpe Center has unique engineering and project management resources within its Centers of Innovation, the FAA transferred this program to the Intermodal Infrastructure Security and Operations Division. As part of the FAA ATO-W Information Assurance Program for WebCM, the Volpe Center provides Information Systems Security, systems Development Life Cycle, Program Management, Disaster Recovery and Engineering Services to the FAA. The WebCM system and its servers, host the National Airspace System Change Process (NCP) data. The WebCM production, and test systems are hosted by the FAA at the Mike Monroney Aeronautical Center (MMAC) in Oklahoma City, Oklahoma. The Disaster Recovery site is located at the William J. Hughes Technical Center (WJHTC) in Atlantic City, New Jersey. Eden is deployed at those locations and Promergent requires access to

these sites which is currently facilitated by the FAA. Eden™ Application Development and Deployment Framework is a process, change and document management software and services provider that reflects Promergent's comprehensive domain expertise in the Federal Government. Eden is the underlying code for the WebCM system that is operated by the FAA. Promergent maintains this software for the FAA where WebCM is deployed; the MMAC and WJHTC. Promergent provides a proprietary and cost-effective system based on business objectives, best practices and proven technologies. Based on several studies by the FAA and the Volpe Center, Promergent is one of the world leaders in web based CM technology. Promergent is the only company capable to support the FAA for the proprietary Eden Architecture, FAA WebCM technology because no other company exists that possesses the Eden™ Application Development and Deployment Framework source code.

2. In 1996, the FAA conducted a Return on Investment analysis of several CM tools to determine which tool provided the best value to the Agency. As a result of that analysis, Contract No. DTFA01-97-C-00042 was awarded in May 1997 to Progressive Software Solution, Incorporated, to provide a standardized, automated CM tool. After a successful proof-of concept phase, the FAA selected WebCM in March 2002, as the enterprise tool for automating the NAS Change Proposal process. Initial WebCM development has been completed and initial operational capability was achieved in March 2003. Software upgrades were implemented and final operational capability was achieved in March 2003 with operational readiness decision. In January 2005, the system went operational.

C. **Circumstances Requiring the Use of Other Than Full and Open Competition.**

The authority for the use of other than full and open competition in this circumstance is FAR 6.302-1(a)(2)(ii), which reads as follows:

> *"(ii) Supplies may be deemed to be available only from the original source in the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment, including major components thereof, when it is likely that award to any other source would result in --*

> > *(A) Substantial duplication of cost to the Government that is not expected to be recovered through competition, or*

> > *(B) Unacceptable delays in fulfilling the agency's requirements. (See 10 U.S.C. 2304(d)(1)(B) or 41 U.S.C. 253 (d)(1)(B).)"*

The FAA has an estimated $18,000,000 invested into the purchase and maintenance of Promergent's Eden Architecture technology for the FAA's customized WebCM software application. The cost and effort to replace the existing WebCM with in-house built or outside replacement system would not be cost effective. It would require more time and labor then to maintain and improve the WebCM system. In 2004, a FAA transition plan was developed which addressed the need for knowledge transfer of Promergent's development process, key product maintenance issues, and training. The plan addressed the transition of software, WebCM and Eden Application Programming Interface, including an understanding of how future releases of Eden and Eden's API potentially impact each other as well as WebCM. A determination was made by the FAA to continue with the sustainment of WebCM as the best overall business plan. The plan identifies the hardware, software, and other resources needed for life cycle support of WebCM software as well as quality assurance and risk mitigation strategies. Software installation and operation within the FAA environment was also addressed. Ultimately, the cost invested into

WebCM, approximately $18,000,000, and the resources needed to support the knowledge transfer far outweigh the need to bring this technology in-house.

The preliminary estimate for an intellectual transition of expertise is 4-5 additional full time employees (FTE), or approximately $580,000 over 6 month duration, as well as needing support from existing Volpe Center and FAA subject matter expert support contractors. Assuming the Volpe Center designated support contractor is in place with a month ramp up to hire and acclimate the team, the transition could potentially be complete by the end November, 2009. The additional FTE costs, ramp up time, impact to existing support during transition, and the need to retain Promergent past the current contract in order to complete the transition adds unnecessary costs which are not reasonable given the circumstances.

The FAA selected Promergent to develop, standardize, and automate the NAS NCP process workflow. Promergent developed a customized workflow application, WebCM, using a proprietary workflow software engine Eden. Promergent has unique understanding of Eden capability and the custom WebCM application, and corresponding database structure based on a 3 year plus development and maintenance cycle. During the development and maintenance period, Promergent developed tools and techniques specific to WebCM, which provide analysis, development, and regression testing efficiencies which have resulted in lower development and implementation costs to the Government. Further, without Promergent's unique knowledge and capability to apply WebCM workflow business rules, the FAA would need to return to its paper-based NCP process. WebCM is the FAA's automated workflow tool adopted by the FAA and incorporates business rules in accordance with FAA Policy 1800.66, change 2, for managing National Airspace System Configuration Items within the NAS Change Proposal process. WebCM is the only system that can support the following:

- WebCM support will include sustainment activities in support of the FAA..
- WebCM Software modifications are based on approved FAA policy changes
- Eden, workflow engine, Software Maintenance – release updates, bug fixes
- Help Desk – Resolve WebCM application issues
- ISS Certification and Accreditation (C&A) requirements
- Yearly (C&A) update requirements
- Fix/update current application Tickets
- Requirements analysis
- Functional analysis
- Software release updates
- WebCM on line training material updates
- DOCCON (Mainframe – Legacy) Interface – ensuring date is transferred as required

Promergent is the only contractor with the capabilities to develop, standardize, and automate the FAA's NAS NCP process workflow through the use of its proprietary system, WebCM. Over the last several years, Promergent has developed a customized workflow application, WebCM, using a proprietary workflow software engine. Since WebCM is a custom software application, further, without Promergent's unique knowledge and capability to apply WebCM workflow rules, the Volpe Center, as well as the FAA, would need to return to its paper-based NCP process.

D. Market Research

In March of 2008 and January of 2009, the Volpe Center conducted an internal search of venders who support WebCM and the Eden Architecture. This research was conducted by David Sawin of the Volpe Center Intermodal Infrastructure Security and Operations, RVT-51. The findings were based on the modified WebCM system that is now integrated across the FAA enterprise. Promergent was the only vender found to support this system and its workflow because it uses Eden as its underlying software code. The analysis conducted confirms that no one other than Promergent sells and maintains Eden products. The analysis conducted confirms that no one other than Promergent sells and maintains Eden products. Eden products are powered by Java Platform, Enterprise Edition (J2EE) and Extensible Markup Language (XML) code. The use of these two technologies, J2EE and XML together, make Eden products unique.

E. Steps to Foster Competition (or Consideration)

Due to the nature of the proprietary technology of this product, there is no opportunity to compete this product on the open market due to branding and trademark of Eden, WebCM and Progressive Software Solutions.

F. TECHNICAL OFFICE CERTIFICATION:

The requirement set forth is initiated to satisfy a recognized Government need. As applicable, the plans, drawings, specifications, and statement of work are limited to state the minimum needs of the Government. I certify that the above information which serves as the basis for the justification for other than full and open competition is accurate and complete to the best of my knowledge and belief.

//Signed by//   2/9/09
David Sawin   Date
Technical Initiator

Concurred By:

//Signed by//   2/9/09
Rodney Cook   Date
Chief, Intermodal Infrastructure
Security and Operations

PART II – CONTRACTS SUPPORTING DATA

A. **Description of the Procurement Action -**The procurement action is anticipated to be awarded as firm-fixed price contract on a sole source basis to the only Contractor capable of providing the software maintenance services to maintain the FAA's WebCM program which is being supported by the Volpe Center for a period of performance of a base period of one year and four, one-year, options. As stated herein, the FAA's WebCM application is critical to managing the National Airspace System (NAS) Configuration Items (CI) within the NAS Change Proposal (NSP) process. The software for which maintenance is being procured is sold

RTV6DT.7

commercially by the sole source vender, and as such, is considered to be a commercial item purchase. It is anticipated that a commercial item Request for Proposal will be issued in the form of a combined synopsis/solicitation posted to the FedBizOpps in accordance with the procedures stated in the FAR Parts 12, 13.5, and 15.

B. **Authority** – 41 U.S.C. 253 (c)(1), as implemented by FAR 6.302-1 titled "Only one responsible source and no other supplies or services will satisfy agency requirements."

C. **Efforts to Obtain Competition** – The solicitation will be synopsized in the FedBizOpps as required in the FAR Subpart 5.2.

D. **Fair and Reasonable Price** - The signature of the Contracting Officer provided below represents a determination that the anticipated prices to the Government will be considered fair and reasonable. In accordance with FAR Part 15 – Contracting by Negotiation, the Contracting Officer will secure through discussions with the Contractor that the prices offered in its price proposal are fair and reasonable. This will be done by comparing the prices proposed to prices paid under Volpe Center Contract No. DTRT57-08-C-10049. In addition, the Contracting Officer will rely on the Independent Government Estimate to determine price reasonableness, and may require the Contractor to submit information other than certified pricing data.

E. **CONTRACTING OFFICER CERTIFICATION:**
I certify that the justification is accurate and complete to the best of my knowledge and belief.

<u>//Signed by//</u>   2/9/09
Donna M. Brickley   Date
Contracting Officer

PART III - REVIEW AND APPROVAL SIGNATURES

REVIEWED FOR LEGAL
SUFFICIENCY: **//**<u>Signed by//</u>   2/10/09
                           Volpe Center   Date
                           Office of Chief Counsel

CONCURRED BY: **//**<u>Signed by//</u>   2/12/09
                           David S. Scali   Date
                           Chief, Acquisition Division
                           Volpe Center

APPROVED:

                           //<u>Signed by//</u>   2/13/09
                           Richard R. John   Date
                           Acting Director, Volpe Center
                           Competition Advocate

RTV6DT.7